



General Assembly

January Session, 2013

Raised Bill No. 1056

LCO No. 3940



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT STREAMLINING CERTAIN PROCESSES AT THE
DEPARTMENT OF CONSTRUCTION SERVICES CONCERNING
CONSTRUCTION MANAGER AT-RISK PROJECT DELIVERY
CONTRACTS, THE HIRING OF CONSULTANTS AND CONTRACTS
FOR THE INSTALLATION OF PREFABRICATED BUILDINGS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 4b-103 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) In order to carry out any provision of this title for the
4 construction, renovation or alteration of buildings or facilities, the
5 Commissioner of Construction Services may enter into a construction
6 manager at-risk project delivery contract.

7 (b) [The] Except as provided in subsections (c) and (d) of this
8 section, the Commissioner of Construction Services shall not enter into
9 a construction manager at-risk project delivery contract that does not
10 provide for a maximum guaranteed price for the cost of construction
11 that shall be determined not later than the time of the receipt and

12 approval by the commissioner of the trade contractor bids. Each
13 construction manager at-risk shall invite bids and give notice of
14 opportunities to bid on project elements [, by advertising, at least once,
15 in one or more newspapers having general circulation in the state] on
16 the State Contracting Portal. Each bid shall be kept sealed until opened
17 publicly at the time and place as set forth in the notice soliciting such
18 bid. The construction manager at-risk shall, after consultation with and
19 approval by the commissioner, award any related contracts for project
20 elements to the responsible qualified contractor submitting the lowest
21 bid in compliance with the bid requirements, provided (1) the
22 construction manager at-risk shall not be eligible to submit a bid for
23 any such project element, and (2) construction shall not begin prior to
24 the determination of the maximum guaranteed price, except for the
25 project elements of site preparation and demolition that have been
26 previously put out to bid and awarded.

27 (c) Construction may begin prior to the determination of the
28 maximum guaranteed price for the project elements of site
29 preparation, demolition, public utility installation and connections,
30 and building envelope components, including the roof, doors,
31 windows and exterior walls, provided (1) the project is the renovation
32 of an existing building or facility, and (2) the project element or
33 elements involved in such early work have been previously put out to
34 bid and awarded.

35 (d) If such project involves the renovation of an existing building or
36 facility that will be performed in multiple phases while such building
37 or facility remains occupied, the Commissioner of Construction
38 Services may enter into a construction manager at-risk project delivery
39 contract that provides for the maximum guaranteed price to be
40 determined for each phase of the project, prior to beginning each such
41 phase, provided all requirements of subsection (b) of this section other
42 than the timing of the determination of the maximum guaranteed price
43 are complied with.

44 Sec. 2. Subsection (d) of section 4b-51 of the general statutes is
45 repealed and the following is substituted in lieu thereof (*Effective July*
46 *1, 2013*):

47 (d) (1) Notwithstanding any provision of the general statutes, the
48 Commissioner of Construction Services may select consultants to be on
49 a list established for the purpose of providing any consultant services.
50 Such list shall be established as provided in sections 4b-56 and 4b-57.
51 The commissioner may enter into a contract with any consultant on
52 such list to perform a range of consultant services or to perform a
53 range of tasks pursuant to a task letter detailing services to be
54 performed under such contract.

55 (2) Notwithstanding any provision of the general statutes, the
56 Commissioner of Construction Services may compile a list of
57 consultants for the limited purpose of providing consultant services for
58 a particular program involving various projects for the construction of
59 new buildings or renovations to existing buildings where such
60 buildings are under the operation and control of a single user agency
61 and may enter into a contract with any consultant on such list for such
62 limited purpose. The commissioner may compile such list without
63 complying with the provisions of sections 4b-56 and 4b-57.

64 (3) As used in this subsection, "consultant" means "consultant" as
65 defined in section 4b-55, and "consultant services" means "consultant
66 services" as defined in section 4b-55.

67 Sec. 3. Section 4b-91 of the general statutes is amended by adding
68 subsection (k) as follows (*Effective July 1, 2013*):

69 (NEW) (k) Notwithstanding the provisions of this chapter regarding
70 competitive bidding procedures, the Commissioner of Construction
71 Services may, in consultation with the Commissioner of
72 Administrative Services and in accordance with subsection (b) of
73 section 4a-66, purchase property and services concerning the
74 installation of prefabricated and preengineered buildings from a

75 person who has a contract to sell such property and services to a
76 department, agency or instrumentality of the United States
77 government. The Commissioner of Construction Services shall, to the
78 extent possible, obtain competitive proposals or price quotes from at
79 least three persons holding such contracts for the property and services
80 sought by the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	4b-103
Sec. 2	<i>July 1, 2013</i>	4b-51(d)
Sec. 3	<i>July 1, 2013</i>	4b-91

Statement of Purpose:

To allow the construction manager at-risk to prepare the site prior to the completion of the guaranteed maximum price and to allow such price to be determined in phases, to permit the Department of Construction Services to enter into on-call contracts with consultants for programs involving a single client agency and to permit the department to purchase property and services for prefabricated buildings from persons holding a contract with the federal government without using formal bidding procedures.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]